

REMARKS AND ARGUMENTS

Status of the claims

Claims 2-8 and 10-21 are pending in the application.

Election/Restrictions

The Examiner requires restriction under 35 USC 121 and 372. The applicant is required to elect one of the inventions of group 1 to 9:

Group 1. Claims 2-8, 11, 16, and 17, drawn to a linear peptide structure comprising of formula CCR/HGDV/LLD/E_nX_mY, wherein the peptide is polymerized and the first method, a method for increasing preservation of organs or cells within their transplantation.

Group 2. Claims 2-8, 16, 17, and 18-21, drawn to a cyclic peptide.

Group 3. Claim 11, drawn to a method of use of the cyclic peptide for increasing preservation of organs or cells within their transplantation.

Group 4. Claim 12, drawn to a method of use of the linear peptide for prevention of autoimmune disorders and an immunodeficiency syndrome induced by a viral infection.

Group 5. Claim 12, drawn to a method of use of the cyclic peptide for prevention of autoimmune disorders and an immunodeficiency syndrome induced by a viral infection.

Group 6. Claim 13, drawn to a method of use of the linear peptide for lowering cytotoxic effects after chemo-or radiotherapy.

Group 7. Claim 13, drawn to a method of use of the cyclic peptide for lowering cytotoxic effects after chemo- or radiotherapy.

Group 8. Claim 14, drawn to a method of use of the linear peptide for inhibition of neuronal cell apoptosis, non-specific drug-induced apoptosis, or oxidative stress-mediated apoptosis.

Group 9. Claim 14, drawn to a method of use of the cyclic peptide for inhibition of neuronal cell apoptosis, non-specific drug-induced apoptosis, or oxidative stress-mediated apoptosis.

The Examiner notice that the “use of” is not a statutory language and that the claims reciting “the use of” have been grouped with the Method groupings. **The applicant respectfully agrees with this and has amended the claims so as eliminate the non-statutory language.**

Election

The applicant provisionally and with traverse elects group 2, claims 2-8, 16, 17, and 18-21, drawn to a cyclic peptide.

A national stage application containing claims to different categories of invention will be considered to have unity of invention if the claims are drawn only to one of the following combinations of categories:

- 1) a product and a process specially adapted for the manufacture of said product; or
- 2) a product and a process of use of said product; or
- 3) a product, a process specially adapted for the manufacture of the said product, and a use of the said product;
- 4) a process and an apparatus specifically designed for carrying out said process; or
- 5) a product, a process specially adapted for the manufactures of the said product and an apparatus specifically designed for carrying out said process. 37 CFR 1.475.

The applicant is of the opinion that there is a unity of invention of claims drawn to a cyclic peptide (Group 2) and a method to use the peptide (falling under category 2 above). **The applicant therefore requests combining Group 9, consisting of now amended claim 14 and the new claim 22, drawn to a method to inhibit apoptosis, with elected Group 2.**

The applicant has amended claim 2, so as reciting “cyclic peptide structure”, whereby the claim clearly belongs to the elected Group 2. The applicant has also

deleted the alternative amino acids from the structure and reserves a right to claim these structure in any separate patent applications.

The applicant has withdrawn claim 4, as it recites to “cyclic and linear peptide structures”.

The applicant has withdrawn claim 11, as it is drawn to a non elected group (Group 3).

The applicant has withdrawn claim 12, as it is drawn to non elected groups (Groups 4 and 5).

The applicant has withdrawn claim 13, as it is drawn to non elected groups (Groups 6 and 7).

The Examiner states that the application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1. The species are: different linear peptides; different cyclic peptides and different apoptosis.

Applicant is required to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The applicant is advised to identify the claims readable on the elected species, including any claims subsequently added.

The applicant has elected Group 2, whereby election between different linear peptides is no more relevant. **The applicant has elected Group 2, and of the different species of cyclic peptides the applicant respectfully elects the structure**

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The applicant has withdrawn claims 20 and 21 which refer to the non elected species. The elected species is claimed in claim 19.

Of the species of apoptosis the applicant provisionally elects oxidative stress-mediated apoptosis. The applicant has amended claim 14 so that it now only includes apoptosis and defined the various kinds of apoptosis in a newly amended dependent claim 22. The applicant is of the opinion that the claim 14 as now amended relates to a general inventive concept and if allowable claim 22 is dependent of the same. **The applicant respectfully requests joining of this claim into elected Group 2 along with amended claim 14.**

CONCLUSION

The applicant has elected provisionally Group 2. The applicant believes that the claims 2-8, 14, 16-20 and 22 as amended here are to be examined as one invention belonging to the now elected group 2.

The applicant respectfully request examination of the claims as now amended.

DODDS AND ASSOCIATES

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